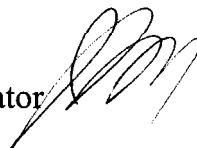


COUNTY OF YORK

MEMORANDUM

DATE: August 12, 2005 (BOS Mtg. 9/20/05)

TO: York County Board of Supervisors

FROM: James O. McReynolds, County Administrator 

SUBJECT: Application No. UP-675-05, Robert T. Criner

ISSUE

This application requests a Special Use Permit, pursuant to Section 24.1-407 of the York County Zoning Ordinance, to authorize a 800-square foot accessory apartment on the first floor of an existing detached garage in conjunction with a single-family detached dwelling on a 5.07-acre parcel located at 300 Criner Lane (Private Road) off Elliott Road (Route 691) and further identified as Assessor's Parcel No. 38-80E.

DESCRIPTION

- Property Owner: Robert T. Criner
- Location: 300 Criner Lane (Private Road)
- Area: 5.07 acres
- Frontage: 460 feet on Criner Lane
- Utilities: Public water and public sewer
- Topography: Flat
- 2015 Land Use Map Designation: Medium Density Residential
- Zoning Classification: RR – Rural Residential
- Existing Development: Single-family detached home and detached garage with office
- Surrounding Development:

North: Nonconforming sawmill

East: None

South: None

West: Undeveloped lots and common area within Victory Meadows subdivision

- Proposed Development: Construction of an accessory apartment in an existing detached garage

BACKGROUND

In October 1995 the Board approved a Special Use Permit to authorize the continuation of a small contractor's business and employment of two non-resident employees with no outdoor storage of equipment or materials as a home occupation on the subject property. The applicant still operates the approved contracting business from the second floor of the detached garage.

CONSIDERATIONS/CONCLUSIONS

1. The subject parcel is five acres, split by the York County and City of Poquoson boundary, with a single-family dwelling and a detached garage being the only structures on the property. The parcel is wooded in the area around the garage providing a heavy, natural buffer. The small contracting business office is located on the western side of the detached garage on the second floor and the accessory apartment will be located on the garage's eastern side on the first floor. The garage is located approximately 140 feet east from Elliott Road and approximately 150 feet from the single-family dwelling.
2. The surrounding properties, except to the north where a nonconforming sawmill is being operated, are not developed. The property to the east is across the York County/Poquoson border and is zoned by the City of Poquoson for Research and Development. The City of Poquoson's R&D district is intended for research and development offices with encouragement toward quality light industrial, manufacturing, and office uses within the Big Woods area. The parcel to the south is owned by the applicant and currently is undeveloped. Across Elliott Road is 11 acres of common area for the Victory Meadows subdivision.
3. Accessory apartments in detached structures are permitted in the RR district with a Special Use Permit, provided the floor area of the accessory apartment does not exceed 800 square feet or 35% of the floor area of the principal dwelling, whichever is less. The principal dwelling on the property contains 4,776 square feet of floor area. The proposed accessory apartment would be located on the first floor of an existing 1,200-square foot two-story detached garage. The applicant has indicated the apartment would be used as the residence for an immediate family member. Currently, the space is used for storage. The proposed accessory apartment would contain approximately 800 square feet of habitable floor area, or approximately 17% of the principal dwelling, and would include an open living area with kitchen, a bathroom, and future expansion area (see attached sketch plan).
4. Performance standards for accessory apartments are set forth in Section 24.1-407 of the Zoning Ordinance. These limit the maximum number of accessory apartments to

one per single-family detached dwelling, require adequate provisions for off-street parking, require occupancy only by family members or guests of the occupant of the principal dwelling, and prohibit the apartment from being rented separate from the principal dwelling. These standards have been included as conditions in the approving resolution.

5. The subject property can accommodate both the residential parking requirement (two spaces) and the off-street parking demand generated by the small contracting business (three spaces) and the proposed accessory apartment (2 spaces). The single-family dwelling has a driveway measuring approximately 34 feet in width and 42 feet in length and the detached garage has a driveway close to the apartment, which measures approximately 23 feet in width and 20 feet in length and one close to the office measuring approximately 20 feet in width and 62 feet in length. Additionally, the circular drive can accommodate parallel parking. Since the minimum parking space dimensions in York County are 9 feet by 18 feet, the parking areas described could accommodate approximately eight cars.
6. The property is not within a subdivision and is not subject to any homeowners' covenants, nor does it fall under the jurisdiction of an established homeowners' association.

PLANNING COMMISSION RECOMMENDATION

The Planning Commission considered this application at its August 10 meeting and, subsequent to conducting a public hearing at which the applicant spoke, voted 5:0 (Mr. Barba and Mr. Hamilton absent) to recommend approval.

RECOMMENDATION

Given the above-noted standards, I am of the opinion that the subject parcel can accommodate the proposed accessory apartment with no adverse impacts on adjacent properties or County infrastructure. Therefore, I recommend that the Board approve this application subject to the conditions contained in proposed Resolution No. R05-150.

Carter/3337/EWA

Attachments

- Excerpts of Planning Commission minutes, August 10, 2005
- Zoning Map
- Survey
- Apartment and existing office floor plan (2)
- Resolution No. R95-215 (previous Use Permit)
- Proposed Resolution No. R05-150